

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, *et al.*

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' MOTION FOR LEAVE  
TO FILE A BRIEF IN EXCESS OF 25 PAGES**

Pursuant to Local Rule 7.1(D), State Defendants file this Motion for Leave to File a Brief in Excess of 25 Pages (“Motion for Leave”) and respectfully request that the Court grant State Defendants leave to file a brief in response to Curling Plaintiffs’ Motion for Preliminary Injunction [Doc. 619] in excess of twenty-five pages and not to exceed fifty pages. State Defendants’ response to Curling Plaintiffs’ Motion for Preliminary Injunction is due October 18, 2019.

In support of this Motion for Leave, State Defendants show that Curling Plaintiffs’ Motion for Preliminary Injunction seeks to enjoin State Defendants from using all ballot-marking devices after January 1, 2020, including the Dominion ballot-marking devices purchased by the Secretary of State earlier this year. The allegations raised in Curling Plaintiffs’ Motion for Preliminary

Injunction relate directly to the claims in Curling Plaintiffs' proposed Third Amended Complaint [Doc. 581-1]. Because of the distinct differences between the Dominion ballot-marking devices and the DRE voting machines, additional factual background is necessary for State Defendants to sufficiently respond to the Motion for Preliminary Injunction.

Further, Curling Plaintiffs' Motion for Leave to File a Third Amended Complaint [Doc. 581] is currently pending.<sup>1</sup> In light of the timing of State Defendants' response to the Motion for Preliminary Injunction, it is necessary to raise defenses that would otherwise be addressed in a responsive pleading to Curling Plaintiffs' Third Amended Complaint. As such, State Defendants require additional pages to sufficiently respond to Curling Plaintiffs' Motion for Preliminary Injunction.

A proposed order is attached hereto as Exhibit "A" for the Court's consideration.

Respectfully submitted this 15<sup>th</sup> day of October, 2019.

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<sup>1</sup> State Defendants have also moved to strike Curling Plaintiffs' Motion for Preliminary Injunction as premature and procedurally improper.

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**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing STATE DEFENDANTS' MOTION FOR ADDITIONAL PAGES has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Vincent R. Russo

Vincent R. Russo

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I electronically filed the foregoing **STATE DEFENDANTS' MOTION FOR LEAVE TO FILE A BRIEF IN EXCESS OF 25 PAGES** with the Clerk of Court using the CM/ECF system, which will send e-mail notification of such filing to counsel of record.

This 15th day of October, 2019.

/s/ Vincent R. Russo

Vincent R. Russo